

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

JOSEPH MILLER,

Petitioner,

v.

DANIEL REDINGTON,

Respondent.

No. 2:23-cv-00005-MTS

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court on Petitioner Joseph Miller’s petition for a writ of habeas corpus under 28 U.S.C. § 2254.

Petitioner currently is incarcerated at the Northeast Correctional Center (“NECC”) in Bowling Green, Missouri. He seeks a writ of habeas corpus under § 2254 for a conviction that arose in Greene County, Missouri. The NECC is in Pike County, Missouri, which is located in the Eastern District of Missouri. *See* 28 U.S.C. § 105(a)(2). Petitioner’s conviction arose in Greene County, Missouri, which is located in the Western District of Missouri. *See* 28 U.S.C. § 105(b)(5).

Under 28 U.S.C. § 2241(d), the Eastern District of Missouri and the Western District of Missouri have concurrent jurisdiction to entertain the Petition. Where two district courts have concurrent jurisdiction over a petition for a writ of habeas corpus, the district in which the petition is originally filed may, in the exercise of its discretion and in furtherance of justice, transfer the petition to the other district court for hearing and determination. *See* 28 U.S.C. § 2241(d). Furthermore, on January 27, 1986, this Court entered an order stating that, absent unusual circumstances, any habeas corpus petition challenging a conviction or sentence arising out of a

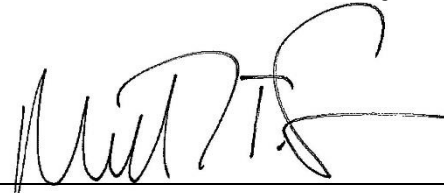
proceeding in the Western District of Missouri shall be transferred to that district pursuant to 28 U.S.C. § 2241(d). *See In re Business of the Court*, January 27, 1986.

Petitioner's conviction arose in the Western District of Missouri. The Court believes that the interest of justice would be better served if the Petition were transferred to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1406(a).

Dated this 8th of February 2023.

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', is written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE